

Draft Minutes Detroit Board of Police Commissioners
Date of Meeting: Thursday, October 22, 2020 – 3:00 PM
Location: Zoom Virtual Meeting Platform

BOPC Chairperson Willie Bell called the BOPC Board Meeting to order at 3:00 PM (October 22, 2020)

Detroit Board of Police Commissioners' Membership / Attendance	Attend	Not-Attend
Willie E. Bell, Chairperson	Yes	
Annie Mae Holt, Vice-Chairperson	Yes	
Darryl D. Brown	Yes	
Shirley A. Burch	Yes	
Willie E. Burton	Yes	
Lisa Carter	Yes	
William M. Davis	Yes	
Evette Griffie	Yes	
Jesus Hernandez	Yes	
Jim Holley	Yes	
Martin Jones	Yes	
Quorum (Yes)	11	

The Board acting in accordance with its rules approved the Agenda for Thursday, October 22, 2020.

Chairperson Bell called the meeting to order and invited Commander Chaplain Leonard Jackson to provide the invocation.

INVOCATION: Commander Chaplain Leonard Jackson

I. MOTION: To approve the Agenda.

Motion: Vice-Chairperson Holt **Second:** Commissioner Hernandez **Discussion:** Commissioner Davis discussed two issues: Commissioner Davis expressed that as previously outlined in his email correspondence, which has been outlined by others, the agenda does not follow the outline as indicated in the Board’s Bylaws and concern with the agenda regarding two items he indicated the Board had just received yesterday. He also stated that according to the Board’s Bylaws, the Board was supposed to have at least 48 hours to review the documents. **Commissioner Brown** concurred with the previous speaker’s sentiments and acknowledged sending out an email to the full Board referencing the applicable section in the Bylaws and concurred with the previous statements made about the 48-hour review period for the two items listed on the agenda. **Vice-Chairperson Holt** referenced the Bylaws Article V. Section 3(f) citing the operative word of “normally,” explaining that the Board was not operating in normal times given the Zoom meetings, current public health crisis and the need to conduct business as efficiently as possible. **Vice-Chairperson Holt** urged the Board to support for the agenda as printed for the Board to handle business items in an efficient manner. **Commissioner Hernandez** emphasized to the public the content of the agenda is consistent with the Bylaws, the order may have changed, and that is the reason for a vote. **Commissioner Burton** expressed his disappointment that people were using COVID as a crutch or excuse and that many businesses are functioning well through Zoom or even back to work. **Commissioner Burton** also expressed concern that the Board was operating without an attorney and that when evaluating whether to change the meeting agenda format, an attorney should be consulted. **Commissioner Burton** called for a legal opinion from the City of Detroit Law Department on this matter. During the roll call vote, after several warnings from Chairperson Bell to refrain from interrupting the vote, **Chairperson Bell** called for Commissioner Burton’s microphone to be silenced.

Yes: Chairperson Bell, Vice-Chairperson Holt, Commissioner Burch, Commissioner Carter, Commissioner Griffie, Commissioner Hernandez, Commissioner Holley, and Commissioner Jones

No: Commissioner Brown, Commissioner Burton, and Commissioner Davis.

VOTE: Yes = 8 No = 3 **Motion: PASSED**

II. MOTION: To Silence Commissioner Burton's microphone for the remainder of the meeting.

Motion: Commissioner Griffie **Second:** Vice-Chairperson Holt **Discussion:** None.

Yes: Chairperson Bell, Vice-Chairperson Holt, Commissioner Carter, Commissioner Griffie, and Commissioner Jones

No: Commissioner Brown, Commissioner Burch, Commissioner Davis, and Commissioner Holley

Abstain: Commissioner Hernandez

VOTE: Yes = 5 No = 4 Abstain = 1 **Motion: PASSED**

III. MOTION: To approve the October 8, 2020 and October 15, 2020, Meeting Minutes with necessary corrections.

Motion: Vice-Chairperson Holt **Second:** Commissioner Hernandez **Discussion:** **Commissioner Brown** reiterated his statement that the information was not given to the Board within the allotted time to review and evaluate within 48 hours, which is prescribed in our Bylaws. **Commissioner Brown** expressed to vote on this matter and the agenda would be in direct conflict and violation of the Board's Bylaws. **Commissioner Brown** discussed the Board wanting to have decorum and for Board Members to follow the rules; however, for certain people, the rules were not being followed and they are being badgered. **Commissioner Brown** urged those Commissioners who had not read the Bylaws, to read the Board's Bylaws. **Commissioner Davis** emphasized the fact that the Board did not get the information in a timely manner which is outlined in the Board's Bylaws. **Commissioner Davis** reiterated the Board had not had the opportune time to thoroughly read and digest the material. **Commissioner Burch** expressed discomfort with voting on the Board's minutes when she was not present during the meeting. **Chairperson Bell** reminded the Board that Robert's Rules of Order allows for a vote even if the member is not present given that the Board Member can review and evaluate the minutes. **Commissioner Brown** requested Commissioner Burton be allowed to vote. **Chairperson Bell** allowed Commissioner Burton to vote. **Commissioner Burton's** microphone was unmuted, at which time the he called for Chairperson Bell's resignation.

Yes: Chairperson Bell, Vice-Chairperson Holt, Commissioner Carter, Commissioner Griffie, Commissioner Hernandez, Commissioner Holley, and Commissioner Jones

No: Commissioner Brown, Commissioner Burch, and Commissioner Davis

VOTE: Yes = 7 No = 3 **Motion: PASSED**

The Board considered the following Business Items:

- Introduction of BOPC Staff
- Introduction of Chief of Police and DPD Staff
- Introduction of Elected Officials, VIPs, civic leaders or their representatives

Chairperson's Report: **Chairperson Bell** reemphasized the importance of the Rules of Debate and Decorum, discussed at length the process of conduct, and called for civility during the Board Meetings.

IV. MOTION: To approve the positions of Deputy Secretary to the Board and Deputy Chief Investigator to add within the Board's Organization Structure and to appoint Interim Secretary to the Board Melanie White and Interim Chief Investigator Lawrence Akbar to the respective Deputy Positions.

Motion: Vice-Chairperson Holt **Second:** Commissioner Jones **Discussion:** **Commissioner Holley** asked for further discussion and rationale regarding the proposed motion, and requested the City's Law Department opinion on the matter as well. **Chairperson Bell** explained the City's Human Resources Department was consulted for evaluation and information and that this was a preliminary step in this matter. **Chairperson Bell** added that if approved, the next step would proceed to City Council to get their approval for this change and requested Interim Secretary White to discuss Human Resources items. **Interim Secretary White** stated the support material the Board received over the past month included all of the details associated with the purpose and rationale. Additionally, Chief Legal Counsel of Special Projects Megan Moslimani was consulted regarding the legal opinion and was available to provide further legal impacts. The City's Human Resources Department was also consulted regarding the two proposed positions, which are in line with other city units and other agencies across the City of Detroit. **Commissioner Davis** strongly objected the motion and stated that while the date of the memo was October 6, 2020, the Board had just received the material yesterday, October 21, 2020. **Commissioner Davis** also cautioned that approving the motion would give the appearance that perhaps the Board Leadership is returning to a circumstance wherein the Board was previously

sued. **Commissioner Davis** further added the full Board should have been involved in developing any initiatives or decisions the Board wanted relating to potential Deputy Positions, especially, given the Board's vacant positions.

Chief Legal Counsel of Special Projects Megan Moslimani stated that she had an opportunity to discuss the requested positions with Ms. White and an opportunity to speak to Corporation Counsel Lawrence Garcia, of the City's Law Department. It is the Law Department's opinion that while they can advise on what the City Charter says that the Honorable Board is allowed to do, the Law Department cannot advise on human resources decisions or staffing decisions. **Attorney Moslimani** reiterated that there was a process and protocol set in place for this Board to hire staff members, which is evidenced in the City of Detroit Charter under Section 7-804 Staff 3. which states, "The Board may hire, in accordance with Article 6, Chapter 4, such additional staff as is necessary to carry out its duties. All members of the staff are under the direction of the Board, and the Chief of Police has no authority over any member of the staff." **Chairperson Bell** expressed that Human Resources had reviewed the proposed personnel matter on a preliminary basis and added that organizational items in terms of what is necessary and also getting an opportunity for long term employees whom have demonstrated their ability to function in that capacity has been under review for the past year. **Chairperson Bell** added when the Board experiences a staffing void, in which the Board has experienced a void over the years and the length of time it takes to identify and fill the vacancy, it is productive to implement deputy positions given the length of time it might take to fill the vacancy. **Commissioner Brown** stated that based on the legal opinion, it shows that the legal department is not in agreement with the proposed positions and that they are simply advising what the Charter says. **Commissioner Brown** expressed that the Human Resources should post the positions, require these positions to be competitive, and they should be posted like all positions that are not at the appointment level. **Commissioner Brown** stated that there was nothing in the Board's Bylaws that supports Commissioners developing such a proposal, which is in violation of the Open Meetings Act. **Commissioner Brown** expressed that the Board has not joined together collectively in a closed session to discuss these matters or why the recommended people were put in these positions when the Board was creating an HR position that is not a part of the Board's organizational structure and is outside of HR policies. **Commissioner Brown** also stated that the Board did not receive the information until today and that voting to approve such positions would disenfranchise citizens of the city of Detroit from the opportunity to competitively compete for a job to work for this Board. **Vice-Chairperson Holt** offered a differing position stating that the Board received this information two meetings ago and that it was at the Board's disposal to read it prior to coming to the meeting. **Vice-Chairperson Holt** asked for clarity regarding former subcommittees that were previously in place to review such decisions. **Commissioner Holley** clarified that the Board no longer utilized the subcommittee structure. **Commissioner Davis** asked the City Law Attorney whether approving these positions would violate the City Charter. **Chief Legal Counsel of Special Projects Megan Moslimani** asked for clarity on whether the previous speaker was requesting to know whether there was potential liability concerning the Board. **Commissioner Davis** confirmed. **Chief Legal Counsel of Special Projects Megan Moslimani** stated that she believed that Chairperson Bell was attempting to bring a proposed matter to the Board to take a vote on whether it is feasible and to determine if it was something the Board would prefer to move forward. If a vote is taken and the vote does not pass, the Board is unable to move forward with the proposition. **Chairperson Bell** confirmed. **Chief Legal Counsel of Special Projects Megan Moslimani** reiterated that discussion and debate could take place on whether or not the Board would like to move forward. **Additionally, Attorney Moslimani** cited the proper decorum under the Open Meetings Act through the Attorney General and through the Board Bylaws, which allows the Board by the Charter to create positions. **Additionally, Attorney Moslimani** stated that with regards to specific litigation, or the outcome of a lawsuit against the Board, she would need to review the Judge's opinion and would be happy to review the information and provide that information at the next meeting.

Yes: Chairperson Bell, Vice-Chairperson Holt, Commissioner Carter, Commissioner Griffie, Commissioner Hernandez, Commissioner Holley, and Commissioner Jones

No: Commissioner Brown, Commissioner Burch, Commissioner Burton, and Commissioner Davis

VOTE: Yes = 7 No = 4 **Motion: PASSED**

V. MOTION: To approve the Revised OCI -Standard Operation Procedures (SOP).

Motion: Commissioner Griffie **Second:** Commissioner Hernandez **Discussion:** **Commissioner Holley** asked for information on the SOP for the community's awareness. **Interim Secretary White** explained the OCI Draft-Standard Operation Procedures Handbook is the handbook that serves as a guideline of policies, rules and regulations for the Board's Investigative Unit to adhere to on a daily basis. While there is currently a Standard Operations Procedure Handbook in place, revisions have been made to reflect emerging trends, emerging updates that are needed for the staff's adherence regarding administrative procedures and regarding the investigative component. Some the revisions added were provisions relating to preparation of misconduct investigations, updates to the OCI progressive disciplinary action process, communication policy, Resolution of Complaints, the Appearance before Administrative or Disciplinary Hearings and other important matters. **Commissioner**

Griffie expressed her support for this motion and explained the need for the revisions based on past challenges and issues not properly addressed within the current SOP. **Commissioner Griffie** expressed that the citizens would find that this will protect the Board and make sure they are following policy.

Commissioner Holley asked if Commissioner Griffie was involved with this initiative. **Commissioner Griffie** stated she reviewed it, she was not involved with it. **Chairperson Bell** also discussed the OCI's personnel structure and the inclusion of union members. **Chairperson Bell** also discussed how the SOP now mirrored other agencies and DPD with respect to its dealings with the unions, and how they work with unions.

Commissioner Burch asked about the well-being and safety of the OCI Staff due to the recent fire at OCI Headquarters. **Interim Chief Investigator Akbar** reported that an electrical fire had occurred where a plumber was working on the fountain that was located in the OCI's lobby, and some water traveled onto one of the outlets causing a small fire. The plumber extinguished the fire and no staff members were injured. The Fire Department inspected the wiring, walls and the facility and determined everything was in order. Later, the electrician and the plumber reported to the facility and made the appropriate repairs moved the electrical socket away from the fountain to prevent a repeat incident.

Yes: Chairperson Bell, Vice-Chairperson Holt, Commissioner Carter, Commissioner Griffie, Commissioner Hernandez, Commissioner Holley, and Commissioner Jones

No: Commissioner Brown, Commissioner Burch, Commissioner Burton and Commissioner Davis

VOTE: Yes = 7 No = 4 **Motion: PASSED**

Chief of Police Report: Chief of Police's Summary of CompStat Data and other Crime Information/DPD Information:

Deputy Chief Mark Bliss representing Chief of Police James E. Craig reported on the following items: Officers Injured in the Line of Duty; Comp Stat Crime and Statistical Data for the reporting period; Protest Activities; COVID-19 impacts, and recent critical incidents impacting the Detroit Police Department and the community. See attached Meeting Transcripts for more information.

		Comp Stat Data Provided: (See Full Report in Packet) as of October 22, 2020					
Part I Violent Crimes:	Criminal Homicides:	Sexual Assaults:	Aggravated Assaults	Non-Fatal Shootings:	Robbery:	Carjacking:	Total:
Totals:	+20%	-28%	+24%	+56%	-19%	-7%	13% Increase in Part I Violent Crimes
Property I Crimes:	Burglaries:	Larcenies	Motor Vehicle Thefts				
Totals:	-34%	-23%	-16%				-24% Decrease in Part I Property Crime

COVID-19 Updates: (26) members currently isolated/quarantined; (12) members who tested positive, (388) who have tested positive, the Department has returned 1163 members returned to full duty status. **Status of Completion of Department's Annual Report 2019** is currently under review for content and grammar in preparation for submission to the Board. **Detroit Police Reserve Unit Presentation** is complete and can be scheduled for a future meeting.

Updates on "No-Knock Warrants – Deputy Chief Grant Ha, Legal Advisor, reported that policy has been completed and reviewed by the Detective Bureau's Deputy Chief and pending other reviews and approvals. **Use of Force Quarterly Report**- The report is pending review and approval by the Department; several additions will be included in the next report. **Drag Racing Year to Date Statistics**- Traffic Stops (1355), Tickets issued (1782), Tows (225); (114) Felonious Arrests; (12) Misdemeanor Arrests; (79) weapons recovered. **Office of Internal External Relations**- **Captain Tanya Leonard-Gilbert**, Commanding Officer, announced the new unit which will focus on CORE, Peer Support, and DPD Fit and External Operations: Procedural Justice and Police Legitimacy through Community engagement born under the leadership of Commander Eric Ewing and which will all be expanded citywide. **Department's Schedule for sending regular disciplinary records reflecting the outcomes of OCI Sustained Complaints** – On October 1, 2020, the Department shared an update on disciplinary administration sustained findings involving OCI Complaints.

Commissioner Holley inquired about whether the Board would receive a draft copy of the Department's no-knock warrant. **Deputy Chief Ha** stated that department policy 202.3-6 is consistent with state statute; however, the Department is in the process of updating the policy to implement stricter guidelines to ensure the requirement of the Chief or his designee approval in the event of a no knock warrant circumstance. The Department held a meeting to discuss this matter, and changes and revisions are being reviewed and is in route to the Board for consideration. **Commissioner Jones** asked whether there was any information on the number of no-knock warrants the Department has conducted in the past. **Commissioner Burch** thanked the Department regarding their efforts involving the drag racing and speeding and asked whether speeding prevention measures would be implemented within the neighborhood. **Commissioner Griffie** discussed a recent assault that occurred within Twelfth Precinct neighborhood and commended Captain Tucker to arrest the violent offender. **Commissioner Davis** asked about three black men who were assaulted by police while attending a birthday party. **Commissioner Davis** asked whether the Department generally sends police out regarding a Facebook posting or potential Facebook violation or threat. **Deputy Chief Bliss** explained that it depends on what the posting says; regardless of what Facebook allows there are some things that should not be posted. In some cases, DPD, the United States Secret Service or the FBI may visit a person that makes such posts on Facebook. Each incident is taken on its on merit to determine what the next steps are going to be. **Commissioner Davis** asked that what normally happen when a posted is made about the Chief of Police or Mayor of the City of Detroit. **Deputy Bliss** further explained, that there is no "normal," each incident is taken on and it depends on what it is. **Director Christopher Graveline, Professional Standards Bureau**, reported that he was aware of force allegations and force used on the night of September 26, 2020, in the Fourth Precinct, where officers were making an arrest for individual carrying a concealed weapon, and Body-Worn Camera Video Footage showed individuals interfering with the police investigation. One of the individuals who continued going into his cargo pocket while approaching the officer was later arrested along with several other individuals.

New Business.

Commissioner Brown requested a legal opinion on which items require a 2/3 vote. **Commissioner Burch** announced the City's policies regarding trick-or-treat and reminded people that Districts are distributing candy, which is being conducted via drive-ups. **Commissioner Burch** commended Sergeant Mohammad, Sergeant Austin, Commander Hope, and Commander Slappey of the Narcotics/Major Violators/Organized Crime Unit based on their service and response to critical incidents within District 3. **Commissioner Davis** discussed the October 15, 2020, minutes stating that on October 15, 2020, the Attorney verified that they could have continued with the Board meeting and could have listened to the presentations and listened to public comments in the event that the Chair has to leave and there is no quorum. **Attorney Moslimani** clarified that her legal opinion was that because the motion to approve the agenda was not approved, the Board could not move forward with the meeting at all. She stated that if the meeting agenda was approved but a Board quorum was lost, the Board could have moved forward with the meeting agenda but not take any actions nor vote.

MOTION: Moved that the Board contract with a Parliamentarian to work similar to the stenographer to have the person immediately available to render decisions on parliamentarian procedures.

Motion: Commissioner Brown **Second:** Commissioner Davis **Discussion:** Chairperson Bell indicated research would be conducted on both items.

PRESENTATION(S) TO THE BOARD: A. Forfeiture Presentation: Sergeant Darchell Brown, Officer in Charge of the Forfeiture
B. City Law Department Lawsuits Presentation: Chief Legal Counsel of Special Projects Megan Moslimani, City Law Department

1. **Forfeiture Presentation - Sergeant Darchell Brown, Officer in Charge of Forfeiture** presented on Forfeiture. Forfeiture Organizational Structure; Explanation of Civil Asset Forfeiture; Process in Forfeiting Property; Process in Forfeiting Property; Purposes for Forfeiture dollars; Whether Civil Asset Forfeiture is helpful or harmful to the residents of Detroit; Significant Events (citing change in marijuana law) noting decrease of 53%; Forfeiture Statistics noting that in FY 2018-2019, the Department seized \$1,679,853.21 in currency; seized 1059 vehicles; and filed 1,742 forfeiture petitions; In FY 2019-2020, the Department seized \$793,406.08 in currency; seized 372 vehicles; and filed 658 forfeiture petitions. **Commissioner Holley** commended the Forfeiture presentation and reminded of the correct term as "street workers." **Commissioner Burch** discussed the forfeiture laws and the requirement and asked whether the vehicle taken could be forfeited and used for other means such as police auctions. Seizure is holding the property and routes through the WCPO which is determined whether the vehicle is forfeited to the Department. **Commissioner Burch** asked who makes the

decision regarding the allocation of funds and made suggestions of alternative allocation of funds for education and training.

2. **DPD City Law Department Lawsuits and Risk Management - Chief Legal Counsel of Special Projects Attorney Megan Moslimani** reported the following: The Law Department recently hired a Risk Management Company that will be generating reports. Lawsuits: The number of DPD cases open by year 2015-2020; payouts by year noting a decrease since 2001. The Ayanna Stanley Jones case was settled with an \$8.25 Million payout, which encompassed the majority of the payout for that year. The year of 2020 is also projected to close out with a decrease as well. The Amount Paid in the 2020 Calendar Year by Cause Code wherein most of the violations developed from violations of constitutional rights totaling \$1,459,500.00; Pie Chart showing which area has the most payouts YTD. In closing, Chief Legal Counsel offered to have a staff member from Litigation present on litigation if the Board requires.

Commissioner Jones asked for a breakdown for the categories of the violations of constitutional rights (regarding which constitutional violation has been violated). **Chairperson Bell** confirmed and agreed on the previous speakers' question noting that the Department is young in demographical nature. **Commissioner Davis** asked for information relating to the settlement of lawsuits relating to the Board, wherein people brought forth lawsuits against the Board and settled the case. **Chairperson Bell** noted that there was only one case settled by Mr. Robert Davis and company.

Report from Interim Board Secretary/Communications Submitted to BOPC as incoming information: Ms. White reported on the following items:

1. Weekly DPD Facial Recognition Technology Report 10/12/20 – 10/18/20
2. Senate Bill 1108 Open Meetings Act (OMA) (allowing public bodies to continue meeting remotely; details contained in Senate Bill Package)
3. City of Detroit Annual Public Budget Notice
4. Media Release announcing the DPD Office of Internal and External Relations
5. Letter from Chief of Police James E. Craig Re: Response to Brady/Giglio Disclosure Directive 102.10
6. Staff Reports

Announcements: **Chairperson Bell** announced the following:

1. **Next Meeting:** Thursday, October 29, 2020, at 3:00 p.m., BOPC Virtual Meeting
2. **Next Community Meeting:** Thursday, November 12, 2020, at 3:00 p.m., BOPC Virtual Meeting

Oral Communications/Public Comments – 6 Speakers.

Chairperson Bell recognized Commissioner Davis. **Commissioner Davis** moved for adjournment.

Motion: Commissioner Davis **Second:** Commissioner Hernandez Discussion. None.

VOTE: **Yes = 11** **No = 0** **Motion: PASSED**

Chairperson Bell adjourned the meeting at 5:09 p.m.